

REMARKS

The office action issued by the Examiner and the citations referred to in the office action have been carefully considered. Claims 1, 3-4, 6-10, and 13 are pending. Claims 1 and 13 have been amended to correct the dependency.

Claim Rejections - 35 U.S.C. § 103

The Examiner has rejected Claims 1, 3-4, 6-10, and 13 under 35 U.S.C. § 112 as being indefinite for failing to point out and distinctly claim the subject matter which applicant regards as the invention. Claims 1 and 13 have been amended to correct the antecedent basis in the claims.

Claim Rejections - 35 U.S.C. § 103

The Examiner has rejected Claims 1, 3-10, and 13 under 35 U.S.C. § 103(a) as being unpatentable over Runge (U.S. Patent No. 5,247,781) in view of Grevich et al (U.S. Patent No. 4,305,240) and further in view of Ausnit (U.S. Patent No. 4,876,842).

The Runge, Grevich, and Ausnit references when combined do not teach all the elements of the newly amended independent Claims 1, 5, 11, and 13 from which dependent Claims 2-4, and 6-10 depend from. To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 U.S.P.Q. 580 (CCPA 1974). See also, MPEP 2143.03. Specifically, the references when combined do not teach a horizontal packaging machine for making fluid-tight packages equipped with a zip closure, having a power-driven film feed roller that is downstream from the sealing unit designed to apply a uniform pulling force on the film which is unwound and fed into the sealing unit. In particular, the references don't teach a power driven feed roller which is located downstream from the sealing unit so that its location and uniform pulling stretches the film prevent the film from being uneven and crumpled while sealed.

In fact, Grevich teaches away from having a sealing unit upstream from the pulling force. The heads (18) of the Grevich device providing both sealing and separating are on the main shaft

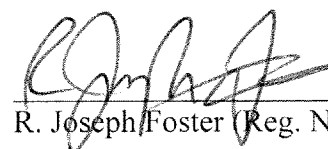
17. The Examiner has indicated that the main shaft (17) provides the uniform pulling force, thus, the uniform pulling force is not provided downstream from the sealing portion to prevent problems of crumpling during the sealing process as in the pending claims.

Furthermore, Grevich does not teach the pulling of a uniform force. The wrapper (11) that drives the foil (12); the rotational speed of the shaft (17) is **coordinated** to the speed of travel of the articles in the wrapper, in other words the rotational speed of the shaft (17) is such that the peripheral speed of the external surface of the shaft (17) is equal to the speed of travel of the articles in the wrapper and thus the shaft is does not apply any pulling force to the film (12), contrary to the pending claims.

Applicants have complied with all requirements made in the above-referenced communication. Applicants submit that the present application is in condition for allowance, and therefore, respectfully request that a timely Notice of Allowance be issued in this case. Should matters remain, which the Examiner believes could be resolved in a telephone interview, the Examiner is requested to telephone the Applicants' undersigned agent.

The Director is authorized to charge any additional fee(s) or any underpayment of fee(s), or to credit any overpayments to Deposit Account Number **50-2638**. Please ensure that Attorney Docket Number 58009-017200 is referred to when charging any payments or credits for this case.

Respectfully submitted,


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